

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

No. 6:19-cv-00589

Melinda Palmer,
Plaintiff,

v.

Capital One Auto Finance,
Defendant.

Before BARKER, *District Judge*

ORDER

Defendant Capital One removed this case from state court on December 9, 2019. Doc. 1. On January 6, 2020, plaintiff filed an amended complaint alleging violations of the Fair Credit Reporting Act ("FCRA"), 15 U.S.C. § 1681 *et seq.* and the Texas Uniform Commercial Code ("UCC"). Doc. 5. Pursuant to 28 U.S.C. § 636, the case was referred to United States Magistrate Judge John D. Love. Doc. 6. Capital One then filed a motion to dismiss plaintiff's complaint pursuant to Federal Rule of Civil Procedure 12(b)(6). Doc. 12.

On March 4, 2020, Judge Love issued a report and recommendation that Capital One's motion to dismiss be denied. Doc. 14. A copy of this report and recommendation was served on the parties via the court's CM/ECF electronic filing system. *See id.* No party has objected.

The court finds no "clear error on the face of the record." *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996) (cleaned up). Accordingly, the report and recommendation (Doc. 14) is **adopted**. Fed. R. Civ. P. 72(b)(3). Capital One's motion to dismiss (Doc. 12) is **denied**.

So ordered by the court on April 2, 2020.

A handwritten signature in black ink, appearing to read "J. Campbell Barker", is positioned above a horizontal line.

J. CAMPBELL BARKER
United States District Judge